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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,357	12/23/1999	SHINJI NABESHIMA	2406-3	7310

7590 01/25/2006

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EXAMINER

BOCCIO, VINCENT F

ART UNIT PAPER NUMBER

2616

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/471,357

Applicant(s)

NABESHIMA ET AL.

Examiner

Vincent F. Boccio

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment of 9/19/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-88 is/are pending in the application.
- 4a) Of the above claim(s) 1-9, 11-18, 21-58 and 65-83 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 19, 20, 59-64 and 84-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Response to Arguments

1. Applicant's arguments filed 7/28/04 against the amended claims, have been fully considered but they are not persuasive.

{A} In re page 26, applicant states with respect to claims 10, 59-61, and states, "For example, the receiver records a place of the receiver as recording environment in such an embodiment."

In response, where is this limitation of, "place", in claims 10, 59-61???

Therefore, the argument is not specifically directed to any claims therefore, the argument is moot.

It is noted that new claims recite place in claims 87 and 88, in the alternative with other limitations, therefore, not deemed required to be addressed and the argument of moot again.

{B} In re page 26, applicant states, Butler and Gerba, both fail to disclose recording environment information, Gerba, merely discloses recording composite data transmitted, therefore, allowable.

With respect to Gerba the recording includes a composite signal having a TV program and table as shown in Fig. 3, called actionable Events, having a Range that the events can be acted upon or a window, while Butler at [0041], states, downloading supplemental files originating from the source, so the files originate from the source, therefore are also transmitted, while Gerba provides content and environmental data in the broadcast where both are recorded used in reproduction.

In addition, the examiner deems applicant has not made a clear record to what is claimed versa not met or read on various teaching and attributes, this does not help create a clear record the claims should at least be argued with respect to the new claims 84-88, which have alternative limitations in claims 87-88 and other limitations recited in claims 84-85.

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The examiner will address these new claims below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 19, 20, 62, 63, 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al. (US 2002/0007493, FD 7/1997).

The examiner incorporates by reference the previous action against the claims since not amended.

3. Claims 10, 59, 60, 61, 84-87 and new claims 84-88 {all depend from claim 10} are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al. (US 2002/0007493, FD 7/1997), as applied above and further in view of Gerba et al. (5,931,908).

The examiner incorporates by reference the previous action against the claims since not amended.

Claim 84 recites, wherein the content is video or audio or video and audio, met by Gerba and Butler, both transmit A/V content.

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Claim 86, is met by the data table of either reference Butler [0048], timing information relative to the video stream and Gerba (Fig. 3, with events having start and end times), being actionable events.

Claim 85, is based on either reference again, it is clear to the examiner that if events will be triggered based on time attribute and stream time attributes, will be triggered IF the times match, being anticipated that IF AND ONLY IF THE TIMES WHEN COMPARED ARE THE SAME WILL AN ACTIONABLE EVENT WILL BE TRIGGERRED, met by both references, by comparing event time with video stream time, when and IF the comparison indicates the same trigger the event for all events in the actionable event tables of either reference.

Claims 87-88, is also met since the stream is recorded and has a time parameter, therefore, recording time, that also reads as the reproduction time, therefore, has a recording and reproduction, time parameter, from the receiver, therefore, generated by the receiver, to the recorder or timing information indicates times relative to the video stream (combination of Butler [0048] and Gerba, Fig. 3, wherein the times of the event are triggered in light of the video time, or time information along the video, as disclosed by Butler).

The arguments and new claims fail to be distinguishable with respect to the art, as deemed by the examiner of record.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Contact Fax Information

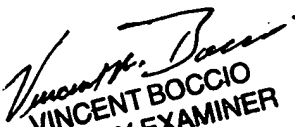
Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry,
this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier
communications should be directed to the examiner of
record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00
PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
1/23/06


VINCENT BOCCIO
PRIMARY EXAMINER